

## **Senate Joint Resolution No. 10**

### **RESOLUTION CHAPTER 6**

Senate Joint Resolution No. 10—Relative to the USA PATRIOT ACT.

[Filed with Secretary of State February 21, 2006.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SJR 10, Figueroa. USA PATRIOT ACT.

This measure would urge the California Congressional delegation to work to repeal any provisions of the USA PATRIOT ACT that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties.

This measure would also resolve that the State of California will ensure that no state resources are provided for any action that would violate the United States Constitution and the California Constitution, including specified actions.

WHEREAS, The State of California recognizes the Constitution of the United States of America as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, The State of California has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS, Each of the California's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, The State of California denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, Any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent persons in the State of California and the nation; and

WHEREAS, Certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT ACT, allow the government greater authority to detain and investigate persons and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our federal and state constitutions, including rights of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms; and

WHEREAS, The people of California are concerned that many provisions of the USA PATRIOT ACT, pose significant threats to constitutional protections; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the State of California supports appropriate and effective measures by the government of the United States of America and the State of California to combat terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it further

*Resolved,* That the State of California also urges its congressional delegation to work to repeal any provisions of the USA PATRIOT ACT that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution, and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties; and be it further

*Resolved,* That the State of California will ensure that no state resources be provided for any action that would violate the United States Constitution, or the Constitution of the State of California, including but not limited to, all of the following:

(1) Collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

(2) Recording, filing or sharing intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, without reasonable suspicion of criminal activity, even if authorized under the USA PATRIOT ACT.

(3) Demanding nonconsensual releases of student and faculty records from public schools and institutions of higher learning.

(4) Eavesdropping on confidential communications between lawyers and their clients.

(5) Engaging in profiling that enables law enforcement agencies to use race, religion, ethnicity, or national origin as factors in selecting individuals to be subject to investigational activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it further

*Resolved,* That the Secretary of the Senate shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress, the

Attorney General of the United States, and to all federal and state law enforcement agencies.

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